



# Town of Carlisle

MASSACHUSETTS 01741

Office of

## PLANNING BOARD

### MINUTES

January 8, 2001

P.O. BOX 827  
CARLISLE, MA 01741  
(978) 369-9702

**Public Hearing: Common Driveway Special Permit, "Laurel Way," 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick and Deborah MacDonald, applicants**  
**Request for release of Lots 1-7 & 9-12 from covenant for Hart Farm Estates Definitive Subdivision Plan, Curve Street (Map 28, Parcels 6, 7A-1, 7A-13, 11 & 12 (request of Paul Hart)**  
**Notice of submission of lot grading plans for Lots 1-12, Hart Farm Estates Conservation Cluster, for Planning Board approval in accordance with condition #4 of the special permit (granted 5/8/00)**  
**Request for amendment of covenant of Hart Farm Estates Definitive Subdivision Plan to provide reference to lots created by Conservation Cluster Special Permit**  
**Request for acceptance as public roadways the ways shown on the Tall Pines Definitive Subdivision Plan (Hutchins Road, Kimball Road and Barnes Place) and limitation of extension of time for completion (Request of 17 residents of Tall Pines subdivision)**

Vice Chair Reid called the meeting to order at 7:30 p.m. Members Abend, Hara, Holzman, Lane and Zinicola were present. Planning Administrator George Mansfield was also present. Epstein was not in attendance this evening.

Hara made one change to the minutes of 12/11/00. Abend then moved to accept the minutes of December 11, 2000 as amended. Lane seconded the motion and it carried 5-0-1 with Holzman abstaining.

Lane stated that he is in the process of preparing the FY 2001 budget for FinCom and asked for the Board's input regarding use of the Professional/Technical account. Board members suggested that funds be retained in this account in order to implement several items on the "To Do" list. Hara asked the PA to obtain a cost estimate from Mark Brobrowski, for review of the MAPC Conservation Subdivision Design and its implementation in Carlisle. Lane also said he would investigate combining the two PB accounts into one budget account. Finally, Lane asked the Board to consider whether the general 3% budget increase should be applied to salaries and wages or whether the budget increase should be allocated differently among the PB line items.

**Public Hearing: Common Driveway Special Permit, "Laurel Way," 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick and Deborah MacDonald, applicants**

Engineer Gary Shepard of David Ross Associates represented the applicants and Engineer Mark Sleger of Landtech represented the Planning Board. The following members of the public were also present: Virginia L. Mills of Concord Street; Fred Lewis, Bill Cuccinello and Michael Kayat of East Street.

Shepard presented the plan indicating the lots to be accessed by the common driveway. He explained that the proposed house on Lot E-1B would be served by an extension of the driveway to the existing house on Lot E-1A. He stated that the applicant had originally intended to access Lot E-1B via its 40-ft. frontage on East Street, but this would involve a wetland crossing. Shepard noted that access via the common driveway would be approximately 80 feet shorter, follow a more direct route, utilize an existing 12-ft. wide driveway, and have good sight distances. The existing driveway had been used as a common driveway in the past and was built with shoulders according to the common driveway standards in place in 1983. Mansfield noted that the 1983 common driveway special permit had been used to access a different lot and its use has been discontinued.

Sleger reviewed comments made in his 1/2/01 letter to the Board. He was especially concerned that the angle of the driveway's intersection with East Street along with the inadequate inside turning radius and telephone pole at this location, and the steep grades at the entrance and along the driveway all contribute to create unsafe conditions, particularly for emergency vehicle access.

Mansfield explained that according to the ConsCom administrator, the last wetlands determination on this property was conducted in 1996, and such determinations are only valid for three years. Shepard understood that such a determination had been done more recently and is still valid. He agreed to provide documentation to verify this. Slegler noted that it is unclear whether the wetland delineation shown on the plan is a FEMA boundary or wetland/flood hazard district boundary. He also questioned the depth to ground water in the area of the infiltration trenches. Shepard agreed to provide this information as well and redesign the infiltration trenches as necessary.

Mansfield stated that the plans had been forwarded to the Fire and Police Chiefs, but neither has yet replied. Hara said that their comments are especially important, given the angles and grades at this site.

Kayat asked if a house is already planned for Lot E-1B. Shepard stated that the septic plans are currently before the Board of Health for approval.

Abend thought that safe access might be provided if the existing driveway were widened. He also suggested the possibility of limiting the use of the common driveway to private residents. He felt that allowing use as a home office with regular client appointments might generate too much traffic in this area. Other members questioned the Board's ability to limit use in such a way, but Abend indicated that such conditions would be attached to use of the driveway by special permit and not use of the property.

Reid reminded Shepard that although a common driveway had been located on this site in the past, this application is for a new common driveway and should be designed according to current standards. Realizing that reducing the steep grade at the entrance would be impractical and significantly impact the wetlands, the Board asked Shepard to focus on improving the inside turning radius and widening the existing drive. They encouraged discussion between Shepard, Slegler and the Fire Chief. The Board reminded Shepard that an as-built plan would also be required prior to issuance of a certificate of occupancy.

Abend then moved to continue the public hearing to 7:45 p.m. on February 12, 2001. Lane seconded the motion and it carried 6-0.

**Request for amendment of covenant of Hart Farm Estates Definitive Subdivision Plan to provide reference to lots created by Conservation Cluster Special Permit**

- and -

**Request for release of Lots 1-7 & 9-12 from covenant for Hart Farm Estates Definitive Subdivision Plan, Curve Street (Map 28, Parcels 6, 7A-1, 7A-13, 11 & 12 (request of Paul Hart)**

- and -

**Notice of submission of lot grading plans for Lots 1-12, Hart Farm Estates Conservation Cluster, for Planning Board approval in accordance with condition #4 of the special permit (granted 5/8/00)**

The Board agreed to discuss these three related issues simultaneously. Engineer Joe March of Stamski and McNary and Developer Michael Kenny were present on behalf of the applicant. Engineer Sandy Brock of Judith Nitsch Engineering, Inc. represented the Board.

Mansfield informed the Board that attorney Joseph Shanahan had just delivered a request from Paul Hart for an amendment to the covenant and for the release of Lots 1-12 from covenant. Mansfield explained that the original covenant refers to the two lots created by the subdivision plan. The amendment would allow the lots to be released individually as shown on the conservation cluster plan. The PA noted that the developer had requested the release of Lots 1-7 and 9-12, with the Board retaining Lot 8 to ensure roadway completion.

Abend moved to amend the covenant of Hart Farm Estates Definitive Subdivision Plan in accordance with the "Amendment to Covenant" signed and dated January 8, 2001, to reference the lots as shown on the Conservation Cluster Plan in order that they may be released individually. Hara seconded the motion and it carried 6-0.

The Board then discussed concerns it had regarding release of the lots prior to obtaining acceptable lot grading plans. Brock's main concern was that grading on one lot might alter drainage on an abutting lot. She felt that the grading plans presented to the Board showed potential houses, but not actual houses, and that final grading could differ significantly from that on the plan. Kenny explained that he is not building every house in the development, but he has assigned each lot a maximum building footprint and location. He and March maintained that any changes in grading would result in less rather than greater drainage impact.

March asked if the Board would prefer to see an overall grading plan. Board members agreed that it would be helpful to identify specific areas of concern and monitor them during construction. Abend suggested that it might be necessary to define specific drainage easements across some property lines. The Board asked March to prepare an overall drainage plan and to identify potential problem areas prior to release of the lots. This plan will then be referred to when the as-built plans are submitted. JNEI will review the as-built plans and approve the grading and drainage prior to issuance of a certificate of occupancy.

Brock noted that her estimate for completion of Hart Farm Estates is very similar to that of Joe March. The estimates differ mainly in that Stamski and McNary uses a 15% contingency while Judith Nitsch Engineering uses a 20% contingency. JNEI also allows 5% for inflation.

**Request for acceptance as public roadways the ways shown on the Tall Pines Definitive Subdivision Plan (Hutchins Road, Kimball Road and Barnes Place) and limitation of extension of time for completion (Request of 17 residents of Tall Pines subdivision)**

The Board reviewed the citizens' request dated December 21, 2000, for acceptance by the Town of the Tall Pines Subdivision roadways. Reid noted that although she mentioned the issue of stone walls and other structures located within the public right-of-way at the all boards meeting, she did not receive a response from the Selectmen. Mansfield said he has only discussed the problem with one resident who claimed that the public right-of-way was not shown on her plans. It was later determined that she had referred to the septic design plan when constructing the wall, which is now in the right-of-way. Although Board members sympathized with the costs residents could incur in order to remove objects from within the right-of-way, they agreed that in order for the roadway to be accepted, public safety and liability cannot be compromised and the plans approved by the Planning Board must be adhered to.

The PA was asked to send a letter to the petitioners, describing the problem and listing the obstacles in the right-of-way as reported by the Board's engineer, Mark Sleger, with a statement that the PB cannot certify that the subdivision is complete under current conditions. Copies should be sent to the Board of Selectmen, Mark Sleger and the developer William Costello.

At 10:30 p.m. Holzman moved and Lane seconded a **motion to adjourn**. It carried unanimously.

Respectfully submitted,



Anja M. Stam  
Planning Board Secretary